

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

2. The petitioner had applied for and received 15 days of assistance in the month of June for his housing. On June 23, 2000, expecting that the petitioner would reapply for emergency assistance in July, the supervisor in the Rutland district office sent the petitioner a memo with some guidelines on what the Department would expect from him with regard to spending his July income in order to get General Assistance again. He was advised that the Department could only pay for a total of 28

days per year, that he was expected to be involved in an active search for permanent housing, and that he was expected to cover his own temporary housing as far as his income and resources would allow. Apparently, there had been some prior discussion with regard to informal guidelines used by the Burlington District office to determine when income and resources were depleted to the extent that the Department could step in with GA. The supervisor declined to specifically adopt Burlington's policy but did advise the petitioner that under that guideline, which he interpreted as requiring that 80% of the income be spent on housing before assistance kicked in, the petitioner would be expected to pay \$1,318 per month, which would have been enough to cover his total housing expense. He advised the petitioner that he would be responsible for most of his housing and that he would have to fully account for the use of his income if he reapplied. There was also mention that the Department would consider it reasonable for him to spend \$100 for food/personal needs and \$200 for transportation. Finally, the petitioner was warned not to pay old bills and debts, except for utilities and phone and not to buy clothing or other non-emergent items.

3. When the petitioner applied on July 17, 2000, the supervisor was satisfied that the petitioner had not squandered

his money that month (including \$1,081 spent on shelter alone) but determined that the petitioner could pay one more night's lodging at \$108 from the \$200 he had on hand. The night at issue was July 22, 2000 which was paid by the petitioner. Thereafter, the Department picked up the balance of his housing expense for the month of July, amounting to nine more days.

4. The petitioner feels that he was treated unfairly because the Rutland District office misled him about how much money he could keep and because it did not use the same formula in applying General Assistance used by the Burlington office. It is the petitioner's understanding that he could get general assistance once he had spent 80% of his income, or \$1,360 each month. At the time he applied he had already spent close to \$1,500 per month for expenses, \$1,108 of which was spent on motel charges. He believes he had a right to keep the \$200 to meet his other expenses, including considerable medical expenses. He says he ran out of money to buy shoes that his child needed at the end of the month. He asks that he be reimbursed the \$108 he paid out of pocket for the extra night at the motel.

5. The supervisor stated that the petitioner could have applied for General Assistance for any other items he might have

had an emergency need for during the remainder of the month but that the petitioner did not file a further application.

ORDER

The decision of the Department is affirmed.

REASONS

Under regulations adopted by PATH, any applicant who has an emergency need attributable to a lack of housing can have that need met under the General Assistance program if he or she meets certain criteria, among which is the requirement that "all available income and resources must be exhausted." WAM 2602. There is no further definition or formula used in the regulations to determine when all income and resources are exhausted. The regulations place discretion in each District Director to determine when and for what items payment is necessary under the regulations. WAM 2605. That decision will only be overturned by the Board if there has been an abuse of that discretion.

In this matter, the petitioner agrees that he had enough money to pay one more night of housing in his possession at the time that he applied for General Assistance. Given that circumstance, it cannot be said that it was an abuse of

discretion by the Rutland District office to find that the petitioner had not exhausted all of his income and resources at the time of application and to require that he do so before the housing expense was paid. While it might have made sense to anticipate that the petitioner would have other expenses during the month and to allow him to retain an amount for the future, the District office was not required to take that step. This is particularly true, in light of the fact that the petitioner could ask for help with any other expense as it arose and be considered for further General Assistance at that time.

The Burlington office apparently uses a different method in determining exhaustion of income and resources by projecting out a formula which allows an applicant to retain money for other monthly expenses which may arise after the date of application and which does not require actual destitution on the date of application. Perhaps this is done to avoid processing further applications for assistance later in the month in a busy district. However, the regulations do not require any office to take this approach.

The district office's attempt to explain this concept to the petitioner was less than perfect and the petitioner apparently misinterpreted what he was being told. However, the petitioner did not indicate that he would have or could have

acted any differently with regard to spending his money during the month of July so as to estop the Department from applying its rule on exhaustion of income and resources. As the Department acted in accordance with his rules, the petitioner is not entitled to a "refund" of the \$108 he spent for a motel room.

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